

**Editor's note: Appealed -- dismissed, Civ.No. A-6-73 (D. Alaska Dec. 19, 1974)**

JOSEPH MacISAAC, ET AL.

IBLA 70-389, etc.

Decided October 12, 1972

Appeals from decisions by the Alaska state office, Bureau of Land Management, rejecting oil and gas lease offers.

Affirmed.

Oil and Gas Leases: Applications: Description--Oil and Gas Leases: Description of Land

Oil and gas lease offers for lands in Alaska which describe the lands applied for as certain sections or blocks within designated townships are properly rejected where the designated townships have not been subdivided in such manner on approved protraction diagrams.

Oil and Gas Leases: Generally--Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: Lands Subject to

Oil and gas lease offers for lands in Alaska embraced within Public Land Order 3521 are properly rejected where the procedures described in said order as a prerequisite for leasing have not been carried out for the lands included in the offers.

APPEARANCES: Stanley P. Cornelius, Esq., for appellants.

OPINION BY MRS. LEWIS

Joseph F. MacIsaac and others 1/ appealed collectively to the

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1/ The names of the appellants and the lease offers involved in the appeal are identified as follows:

IBLA Docket <u>No.</u>	<u>Appellants</u>	BLM Serial <u>No.</u>
70-389	Joseph F. MacIsaac	F 12140
70-390	Henry E. Reeves, Stanley P. Cornelius, Hillin L. Arnold, and Starling P. Cornelius	F 12161
70-391	"	F 12165
70-391-A	"	F 12166

Director, Bureau of Land Management 2/, from decisions by the Alaska state office, Bureau of Land Management, rejecting their oil and gas lease offers filed under the Mineral Leasing Act of 1920, as amended, 30 U.S.C. §§ 181 et seq. (1970).

MacIsaac's offer described the lands applied for as certain sections within a designated township, while the remaining offers described the lands as certain blocks within designated townships. According to the protraction diagrams in the case files, none of the townships designated in the offers have been subdivided into sections or blocks. Instead, all the townships involved have been subdivided into two tracts designated tracts "A" and "B." Tract "A" in each township is segregated from further filings because of state selection applications. See 43 CFR § 2627.4(b) (1972). Tract "B" in each of the townships is within the Arctic National Wildlife Range, established by Public Land Order (PLO) 2214, 25 F.R. 12598 (December 6, 1960), and included in PLO 3521, 30 F.R. 271 (January 5, 1965).

The decisions below rejected the offers because of inadequate land descriptions as no lands within the identified townships may properly be designated as sections or blocks. However, assuming arguendo that the lands could properly be described by the section or block numbers designated in the various offers, the decisions further rejected the offers for the following reasons:

1. Tract "A" of each township is segregated from application by state selection applications.

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IBLA Docket No.	<u>Appellants</u>	BLM Serial No.
70-392	Stanley P. Cornelius, Hillin L. Arnold, and Starling P. Cornelius	F 12168
70-393	"	F 12169
70-394	Stanley P. Cornelius, Hillin L. Arnold, Starling P. Cornelius, Richard Ransom	F 12219

2/ Effective July 1, 1970, the Board of Land Appeals, Office of Hearings and Appeals, assumed jurisdiction over all appeals pending before the Director, Bureau of Land Management, in the exercise of the supervisory jurisdiction of the Secretary of the Interior (35 F. R. 10012, June 18, 1970).

3/ On appeal, the appellants renounce any claim to those areas which have been selected by the State.

2. Tract "B" of each township is within the Arctic National Wildlife Range established by PLO 2214, and oil and gas leases therefor are unacceptable for filing until such time as an agreement as to areas to be leased has been approved by the Secretary of the Interior, and notice as to time and place and manner of simultaneous filing of lease offers for the available lands in the wildlife range has been published in the Federal Register. <sup>4/</sup>

3. None of the lands within the townships named in the offers have been opened to the noncompetitive oil and gas leasing provisions of the Mineral Leasing Act of 1920, supra, as required by PLO 3521.

Appellants argue that their land descriptions are adequate as description by section or block number is an acceptable method. They would have been adequate if the townships were subdivided in that manner, which is not the case. The faulty descriptions alone constitute a sufficient reason for rejecting the offers. Nevertheless, we point out that the decisions below were also correct in rejecting the offers because none of the lands in the designated townships are available for filing.

The appellants question the effect of PLO 2214, creating the Arctic National Wildlife Range, attaching, in support thereof, copies of appeal briefs to the Secretary of the Interior from decisions of the Bureau of Land Management filed by Inlet Oil Corporation and Raymond J. Ellis, and by Robert L. Lawler et al. They also contend that PLO 3521 is invalid.

The mentioned briefs were considered by the Department in rendering its consolidated decision, Mark B. Ringstad et al., Inlet Oil Corporation et al., Robert L. Lawler et al., A-31111, A-31115, A-31134, A-31188 (March 17, 1970), cases involving the same facts as the cases at bar. The Department noted that the Bureau decisions rejected the offers because oil and gas leasing of lands in the Arctic National Wildlife

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<sup>4/</sup> See 43 CFR 3120.3-3(b)(3) and 43 CFR 3120.3-3(c) (1970), now 43 CFR 3101.3-3(b)(1) and 43 CFR 3101.3-2(a) and (b) (1972), respectively.

Range is governed by Departmental regulation 43 CFR 3120.3-3(c), which prohibits the acceptance of oil and gas lease offers for lands in the range until certain prescribed steps have been taken, and that the offers cannot be accepted as those steps have not been taken. It also noted that the Bureau decisions relating to the Inlet Oil Corporation and Ringstad appeals added that PLO 3521 subjected all of the land in the Arctic National Wildlife Range and other land to further restrictions on leasing and directed that none of the lands it covered shall be subject to leasing until leasing maps are prepared, filed, and published and a period for the simultaneous filing of offers to lease established. It held that the offers were properly rejected because the lands applied for were not available for leasing under PLO 3521.

The Department then held that leasing of the lands for oil and gas is governed by the terms of PLO 3521 5/ and as the procedures described therein as a prerequisite for leasing had not been carried out for the lands applied for, they are not subject to oil and gas leasing and the offers were properly rejected. In view of this conclusion, it stated that it was unnecessary to discuss appellants' objections to the rejection of the offers. The reason, according to the Department, is that they are part of an Alaska wildlife area subject to leasing only in accordance with 43 CFR 3120.3-3(c), and "If it is material, we agree that the offers were also properly rejected under the provisions of that regulation." Ringstad et al., supra. This Board has held to the same effect in Carlson Oil Company Inc., 2 IBLA 378 (1971).

None of the appellant's arguments concerning the validity and effect of the public land orders affecting the status of the land has any merit.

Accordingly, the offers in the instant case were properly rejected.

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5/ PLO 3521 provides:

"1. None of the public lands within the area described in paragraph 2 of this order that are subject to the noncompetitive leasing provisions of the Mineral Leasing Act of 1920 \* \* \* shall be subject to oil and gas leasing until approved leasing maps for such lands, or portions thereof, are from time to time prepared, and notices of the time and place of filing thereof and of the availability of the lands for leasing have been published in the Federal Register by the Bureau of Land Management. These notices will describe the lands subject to noncompetitive lease and will provide for a simultaneous filing period of offers to lease \* \* \*."

Paragraph 2 describes an extensive area which includes all of the Arctic National Wildlife Range in addition to other lands.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1 (1972), the decisions below are affirmed.

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Anne Poindexter Lewis, Member

We concur:

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Douglas E. Henriques, Member

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Joan B. Thompson, Member

